

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. **99-27 C1** Total Pages **109**

First Named Inventor or Application Identifier

**JAFARI et al.**

Title **Medical Ventilator Triggering and Cycling Method and Mechanism**

Express Mail Label No. **EV 196251703 US**

16591 U.S. PTO  
10/6/00  
07/11/03

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages **73**]  
(preferred arrangement set forth below)  
-Descriptive Title of the Invention  
-Cross References to Related Applications  
-Statement Regarding Fed sponsored R & D  
-Background of the Invention  
-Brief Summary of the Invention  
-Brief Description of the Drawings (if filed)  
-Detailed Description  
-Claim(s)  
-Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. § 113) [Total Sheets **4**]
4. ☒ Oath or Declaration [Total Pages **2**]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Boxes 19 and 20 completed)  
[Note Box 5 below]  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).  
c. ☐ Unsigned
5. ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☒ Application Data Sheet per 37 C.F.R. § 1.76  
[Total Pages **2**]

7. DOMESTIC/INTERNATIONAL priority is claimed under 35 U.S.C. § 119(e)/120/365(c) based on the following provisional, nonprovisional, and/or PCT international applications.

|     | Application No. | Filing Date     |
|-----|-----------------|-----------------|
| (1) | 09/970,383      | October 2, 2001 |
| (2) | 60/238,387      | October 6, 2000 |

8. ☒ Prior application is assigned to Respironics, Inc. by Assignment recorded January 7, 2002 Reel 012438 Frame(s) 0638.

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))  
(Please return recorded assignment to the undersigned)
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment (to be entered before calculating fees)
14. ☒ Return Receipt Postcard  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Certificate of Mailing by Express Mail
17. ☐ Non-publication Request and Cert. under 35 U.S.C. § 122(b)(2)(B)(i) (attach copy of RI-186 Form (PTO/SB/35)).
18. ☒ Other: Submission of Formal Drawings

19. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/970,383

Prior application Information: Examiner: 3761 Group/ArtUnit: Mitchell, T.

20. Please amend the specification by inserting before the first line the sentence: This is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_

## 21. CORRESPONDENCE ADDRESS

Customer No. and Bar Code Label.



**30031**

PATENT TRADEMARK OFFICE

|           |                        |          |               |
|-----------|------------------------|----------|---------------|
| Name      | Michael W. Haas        | Reg. No. | 35,174        |
| Signature | <i>Michael W. Haas</i> | Date     | July 11, 2003 |

**FEE TRANSMITTAL**

(Effective 01/01/2003)

Application Number Not Yet Assigned

Filing Date July 11, 2003

First Named Inventor JAFARI et al.

Confirmation Number Unknown

Group Art Unit Unknown

"Express Mail" Label No. EV 196251703 US

Examiner's Name Unknown

TOTAL AMOUNT OF PAYMENT \$ 876.00

Attorney Docket No. 99-27 C1

**METHOD OF PAYMENT**1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

50-0558

Deposit Account Name

Respiroics, Inc.

☒

Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 and 1.20

☐

Charge the Issue Fee set forth in 37 C.F.R. § 1.18

2. ☒ Payment Enclosed:

Check (Check No. 269980)

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description  | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 1051           | 130             | 2051           | 65              | Surcharge - late filing fee or declaration                               |          |
| 1052           | 50              | 2052           | 25              | Surcharge - late provisional filing fee or or cover sheet                |          |
| 1811           | 100             | 1811           | 100             | Certificate of Correction  |          |
| 1812           | 2,520           | 1812           | 2,520           | For filing a request for reexamination                                   |          |
| 576            | 25              | 576            | 25              | Additional filing receipt, duplicate or corrected due to applicant error |          |
| 1805           | 1,840*          | 1805           | 1,840*          | Requesting publication of SIR after Examiner action                      |          |
| 1251           | 110             | 2251           | 55              | Extension for response within first month                                |          |
| 1252           | 410             | 2252           | 205             | Extension for response within second month                               |          |
| 1253           | 930             | 2253           | 465             | Extension for response within third month                                |          |
| 1254           | 1,450           | 2254           | 725             | Extension for response within fourth month                               |          |
| 1255           | 1,970           | 2255           | 985             | Extension for response within fifth month                                |          |
| 1401           | 320             | 2401           | 160             | Notice of Appeal   |          |
| 1402           | 320             | 2402           | 160             | Filing a brief in support of an appeal                                   |          |
| 1403           | 280             | 2403           | 140             | Request for oral hearing   |          |
| 1451           | 1,510           | 1451           | 1,510           | Petition to institute a public use proceeding                            |          |
| 1452           | 110             | 2452           | 55              | Petition to revive unavoidably abandoned application                     |          |
| 1453           | 1,300           | 2453           | 650             | Petition to revive unintentionally abandoned application                 |          |
| 1501           | 1,300           | 2501           | 650             | Utility issue fee (or reissue)   |          |
| 1502           | 470             | 2502           | 235             | Design issue fee   |          |
| 1814           | 110             | 2814           | 55              | Statutory Disclaimer   |          |
| 1460           | 130             | 1460           | 130             | Petitions to the Commissioner  |          |
| 1807           | 50              | 1807           | 50              | Petitions related to provisional applications                            |          |
| 1806           | 180             | 1806           | 180             | Submission of Information Disclosure Stmt                                |          |
| 8021           | 40              | 8021           | 40              | Recording each patent assignment per property (times number of property) |          |
| 1809           | 750             | 2809           | 375             | Filing a submission after final rejection (37 C.F.R. § 1.129(a))         |          |
| 1801           | 750             | 2801           | 375             | Request for Continued Examination  |          |

Other Fee (specify) \_\_\_\_\_

**SUBTOTAL (1)** \$ 750.00**2. CLAIMS**

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description                | Fee Paid |
|-----------------------|-----------------------|--------------------------------|----------|
| 1001                  | 750                   | 2001 375 Utility filing fee    | 750.00   |
| 1002                  | 330                   | 2002 165 Design filing fee     |          |
| 1003                  | 520                   | 2003 260 Plant filing fee      |          |
| 1004                  | 750                   | 2004 375 Reissue filing fee    |          |
| 1005                  | 160                   | 2005 80 Provisional filing fee |          |


**SUBTOTAL (1)** \$ 750.00

Multiple Dependent Claims add 280 = 0.00

\* Enter Highest Number Previous Paid For

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 1202                  | 18                    | 2202 9 Claims in excess of 20                                  |          |
| 1201                  | 84                    | 2201 42 Independent claims in excess of 3                      |          |
| 1203                  | 280                   | 2203 140 Multiple dependent claim                              |          |
| 1204                  | 84                    | 2204 42 Reissue independent claims over original patent        |          |
| 1205                  | 18                    | 2205 9 Reissue claims in excess of 20 and over original patent |          |

**SUBTOTAL (2)** \$ 126.00**SUBTOTAL (3)** \$ 0.00**SUBMITTED BY**

|                       |   |                        |               |
|-----------------------|---|------------------------|---------------|
| Typed or Printed Name | Michael W. Haas   | Reg. Number            | 35,174        |
| Signature             |  | Date                   | July 11, 2003 |
|                       |   | Deposit Account Number | 50-0558       |

## Certificate of Mailing by "Express Mail"

EV 196251703 US

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July 11, 2003

Date of Deposit

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Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of

Inventor : JAFARI et al.  
Appln. No. : Not Yet Assigned (Cont. of U.S. Appln. No. 09/970,383)  
Conf. No.: : Unknown  
Filed: : July 11, 2003  
Title: : MEDICAL VENTILATOR TRIGGERING AND CYCLING  
METHOD AND MECHANISM  
Group Art Unit : Unknown  
Examiner : Unknown  
Docket No. : 99-27 C1

\* \* \* \* \*

July 11, 2003

**FILING OF FORMAL DRAWINGS**

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Please accept herewith the four (4) sheets of formal drawings on 8½ x 11 size paper of FIGS. 1-4, which are in lieu of the informal drawings filed herewith. Each sheet of drawings includes the identifying indicia suggested in 37 C.F.R. § 1.84(c) on the reverse side of the drawing.

Respectfully submitted,

By Michael W. Haas

Michael W. Haas

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RESPIRONICS, INC.  
1010 Murry Ridge Lane  
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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on July 11, 2003 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

"Express Mail" mailing number: EV 196251703 US.

Michael W. Haas

Michael W. Haas, Reg. No. 35,174